

SURREY COUNTY COUNCIL

CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT

DATE: 4 DECEMBER 2018

LEAD OFFICER: ALAN BOWLEY, HEAD OF ENVIRONMENT

SUBJECT: SURREY COUNTY COUNCIL DEVELOPER CONTRIBUTION GUIDE



SUMMARY OF ISSUE:

The County Council's Developer Contribution Guide sets out the approach that the Council takes in seeking planning obligations, specifically Section 106 contributions, to mitigate the impact of new development upon County Council infrastructure and services. This form of planning obligation is an agreement made under Section 106 of the Town and Country Planning Act 1990 between a local authority and a developer. It is attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. A S106 agreement must be directly relevant to the proposed development.

Given the reductions in capital funding and the anticipated increase in scale of development within Surrey in the coming years, it is important that the County Council has a policy document clearly setting out its requirements.

The guide does not introduce any policy change but brings together existing information produced by a range of services into one document. The guide has been produced to improve transparency and confirm to both developers and district and borough planning authorities what contributions are currently sought in respect of new development.

Once adopted, the guide will then be published on the County Council's website and promoted to developers and Local Planning Authorities. The guide will be used to support contribution requests at external meetings, tribunals and inquiries.

RECOMMENDATIONS:

It is recommended that:

1. The Developer Contribution Guide be adopted.
2. That authority be delegated to the Planning Group Manager to agree any further updates to the Guide to capture any subsequent Government legislative changes, updated technical information or additional categories of obligation requests.

REASON FOR RECOMMENDATIONS:

It is common practice for County Council's to produce such guidance to provide transparency, assist in securing developer contributions for vital infrastructure, to encourage more efficient working and to support local planning authorities in infrastructure planning.

DETAILS:

1. The County Council's Developer Contributions Guide sets out the approach that the County Council takes in seeking planning obligations, specifically Section 106 requirements, to mitigate the impact of new development on Council services. This form of planning obligation is an agreement made under Section 106 of the Town and Country Planning Act 1990 between a local authority and a developer, directly relevant to the proposed development. Given the reductions in capital funding and the anticipated increase in scale of development within Surrey in the coming years, it is important that the County Council has a policy document clearly setting out requirements.
2. Whilst eight of the Surrey districts and boroughs now charge the Community Infrastructure Levy, Section 106 contributions will continue to be required on larger or zero CIL rated sites across the county in order to ensure site level mitigation. S106 will therefore continue to play an important role in making individual developments acceptable in planning terms.
3. Currently the Council's publicly available information on S106 requirements is only available at the level of individual services and is found in a number of locations. The 2018 Surrey County Council Developer Contribution Guide has been written to bring this information together in one document and to also expand on the level of detail available. The document provides clear guidance on the County Council's expectations as to how development will need to contribute in order to mitigate the impact on Surrey County Council's infrastructure and services. It has been produced to inform both developers and local planning authorities.
4. The guide covers the areas of highways and transport, rights of way, education, early years, libraries, sustainable drainage, fire service and adult social care. The full Developer Contribution Guide is attached as annex 1.

CONSULTATION:

5. The guide has been produced in consultation with all the services included in the document and also legal services. No policy changes are proposed within the document.

RISK MANAGEMENT AND IMPLICATIONS:

6. The guide has been produced to improve transparency and confirm to both developers and district and borough planning authorities what contributions are currently sought in respect of new development. This provides up-front information on financial requirements and legal processes, with the aim of reducing time spent on negotiations and responding to queries.

FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

7. There are no direct financial implications, however the document is intended to assist by supporting developer contribution requests for County Council infrastructure.

SECTION 151 OFFICER COMMENTARY

8. Developer contributions are required in order for the County Council to provide the infrastructure necessary to permit growth and to mitigate the impacts of that growth. This guide will assist the Council in securing those necessary developer contributions. The guide is a consolidation of existing practice, and is not intended to introduce any changes to current policies.

LEGAL IMPLICATIONS – MONITORING OFFICER

9. Section 106 agreements between a local authority and a developer are made under Section 106 of the Town and Country Planning Act 1990. This is the legislation that governs the County Council's requests for and use of S106 planning obligations.

EQUALITIES AND DIVERSITY

10. Individual infrastructure projects required through S106 agreements will be subject to Equality Impact Assessment as applicable.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

11. The purpose of S106 requirements is to ensure developments mitigate their impact and make the development acceptable in planning terms, thereby considering sustainability implications. The guide also provides further guidance on areas such as sustainable drainage and sets out requirements for travel plans.

WHAT HAPPENS NEXT:

12. The guide will be published on the Council's website, used to respond to queries and distributed as appropriate. The guide will also be promoted to Surrey Local Planning Authorities to encourage them to make reference to it in the production of Local Plan evidence base studies, determination of planning applications and any updated planning obligation Supplementary Planning Documents (SPD).
13. The range of contributions sought and technical supporting information will be kept under review and revisions to the guide will be produced as required, following any necessary consultation.

Contact Officer:

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Consulted:

Cabinet Member for Environment and Transport and Services featured in the document

Annexes:

Annex 1 – Surrey County Council Developer Contribution Guide.

Sources/background papers:

- Community Infrastructure Levy Regulations 2010
- Town and Country Planning Act 1990